

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DALE HARPER,)	
)	
Plaintiff,)	
vs.)	NO. CIV-14-0563-HE
)	
OKLAHOMA DEPARTMENT OF)	
CORRECTIONS DIRECTOR, ROBERT)	
PATTON, <i>et al.</i> ,)	
)	
Defendants.)	


ORDER

Plaintiff Dale Harper, a state prisoner appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. She liberally construed plaintiff's complaint about the conditions in his cell and delay in receiving legal materials from the Oklahoma State Penitentiary library, included in a motion for extension for time, as a request for preliminary injunctive relief. Construed as such, the magistrate judge recommended that plaintiff's motion be denied.

Plaintiff, having failed to object to the Report and Recommendation, waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Mitchell's Report and Recommendation. Plaintiff's motion [Doc. #32], construed as a request for a preliminary injunction, is denied.

IT IS SO ORDERED.

Dated this 29th day of December, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE